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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KSENIA SHNYRA, ALEXANDER REYNGOLD, and  
KENNETH WALKER,

Plaintiffs,

- against -

STATE STREET BANK AND TRUST CO., INC.,

Defendant.

19-CV-02420 (DAB)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the Declaration of David A. Tauster, dated June 6, 2019, together with the exhibits annexed thereto, the accompanying Memorandum of Law in Support, dated June 6, 2019, and all prior pleadings and proceedings herein, Defendant State Street Bank and Trust Co., Inc. will move this Court before the Honorable Deborah A. Batts, at the United States Courthouse, 500 Pearl Street, New York, New York, for an order:

- (1) Partially dismissing Count I of the Complaint, to the extent that same asserts claims for harassment, hostile work environment or wrongful termination, pursuant to Federal Rule of Civil Procedure (“FRCP”) 12(b)(6);

- (2) partially dismissing the first Count IV of the Complaint, to the extent that same asserts claims for harassment, hostile work environment or wrongful termination, pursuant to FRCP 12(b)(6);
- (3) dismissing the second Count IV of the Complaint in its entirety, pursuant to FRCP 12(b)(6);
- (4) partially dismissing Count V of the Complaint, to the extent that same asserts claims for harassment, hostile work environment or wrongful termination, pursuant to FRCP 12(b)(6);
- (5) partially dismissing Count VII of the Complaint, to the extent that same asserts claims for harassment, hostile work environment or wrongful termination, pursuant to FRCP 12(b)(6);
- (6) dismissing Count IX of the Complaint in its entirety, pursuant to FRCP 12(b)(6); and
- (7) striking the allegations set forth in Paragraphs 75(f), 177(a), (b), (e), 178-187, 188-190, and footnote 3 to paragraph 46, pursuant to FRCP 12(f).

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Civil Rule 6.1, any and all papers you wish to file in response to this Motion must be served on the undersigned no later than June 20, 2019.

Dated: June 6, 2019  
Jericho, New York

**NIXON PEABODY LLP**

By: /s/ David A. Tauster

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TO: All counsel of record (via ECF)